

## **NOTICE OF PROPOSED RULE MAKING**

The Arkansas Real Estate Commission will hold a Public Hearing at 9:00 a.m. on Monday, October 18, 2004 in the Meeting Room of the Arkansas Real Estate Commission building, 612 South Summit Street, Little Rock, Arkansas for the purpose of receiving public or written comment on the adoption of new regulations and proposed amendments to existing regulations pertaining to the practice of real estate in the state of Arkansas. The effective date of these amendments shall be January 1, 2005. Subjects and issues involved are as follows:

### **Regulation 4.1 Applications; Education; Experience.**

Amends existing regulation to clarify that real estate education from other approved real estate licensing jurisdictions is acceptable as meeting Arkansas education requirement for initial licensure.

### **Regulation 10.4 Broker Responsibilities; Executive Brokers; Part-Time Brokers**

Amends existing regulation to clarify that each Principal Broker is responsible for their respective clients' real estate closing.

### **Regulation 10.8 Trust Funds; Trust Accounts.**

Amends existing regulation to clarify that real estate contracts are sometimes countered by the seller and accepted by the buyer.

### **Regulation 10.10 Agreements to be Written.**

Amends existing regulation to clarify that licensees must provide clients and other parties to the transaction who are not represented signed copies of real estate agreements and contracts and requires exclusive agency agreements or contracts to be in writing. Also recommends that licensee obtain written acknowledgement from buyer and seller of receipt of signed agreements and contracts.

## **Section 15. Real Estate Auction Definitions and Requirements.**

New regulations to establish definitions and requirements for real estate licensees who sell real estate at auction.

### **Regulation 15.1 Definitions.**

Establishes definitions for absolute auction and auction with reserve.

### **Regulation 15.2 Nature of Auction.**

Clarifies that an auction is with reserve unless expressly offered using terms such as absolute or without reserve. Requires a written agreement with owner.

### **Regulation 15.3 Auctioneer/Seller Bidding or Purchasing Auctioned Property.**

Requires written agreement with owner if auctioneer will be bidding at auction. Requires verbal and written disclosure at time of auction if auctioneer, seller, or their agents will be bidding on property at the auction. Requires auctioneer to announce the successful bidder at the conclusion of the auction if the successful bidder is the auctioneer or seller.

Copies of the proposed regulations may be obtained by writing the Arkansas Real Estate Commission at 612 South Summit Street, Little Rock, Arkansas 72201-4740. Written data used for arguments to proposed regulation changes should be submitted to the above address at or prior to the time of the Public Hearing. The Commission may also permit oral testimony or argument at the Public Hearing.